

DETAILED ACTION

This action is in response to papers filed on January 31, 2008.

Claims 7-9, 14-19, 23-24, 31-33, 38-43, 47 and 50 are cancelled.

Claims 1,3, 10, 25, 34 have been amended.

Claims 1-6, 20-22, 25-30, 44-46 and 49 have been withdrawn.

Claims 10-13 and 34-37 are pending.

Claims 10-13 and 34-37 are rejected.

Election/Restrictions

1. Newly submitted claims 1-6, 25-30 and 49 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The current amendments are directed towards a different embodiment than originally claimed. The claims are drawn to the embodiment found in figure 5 in which the invention differs from using a central server and database as found in the embodiment displayed in figures 2 and 4. Furthermore, the embodiments also differ in the use of "non-local" communication as originally claimed and the sole "local" communication current claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-6, 25-30 and 49 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-13 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,539,232; Method and System for Connecting Mobile Users based on Degree of Separation. Hendrey et al. in view of non-patent literature "Personal Area Networks: Near-Field Intrabody communication" IBM Systems Journal 1996, Zimmer, in further view of US Patent 6, 254, 001 Electronic Business Card Device; Chan.

4. As to claim 10 and 34 A method for common contact identification using a portable computing device comprising:

5. at a first portable computing device, receiving a local wireless communication directly from a second portable computing device, said local communication identifying a second user corresponding to said second portable computing device, wherein said local wireless communication comprises at least one among an infrared communication or a radio frequency (RF) communication; (Hendry C.5 l. 8 & 28).

6. sending a non-local wireless communication from said first portable computing device to a receiving station, said non-local wireless Communication identifying said second user and a first user corresponding to said first portable computing device,

wherein said non-local communication is a cellular link communication or a satellite link communication; and (Hendry (C. 5 I. 40-50)

7. receiving a non-local wireless communication from said receiving station, said non-local wireless communication received by said first and second portable computing devices and indicating whether said first and second users share a common contact; (C. 2 I. 53-54 C. 19 I. 60-63).

8. Hendrey if said first and second users share a common contact, providing via said non-local wireless communication a visual symbol and an identifier identifying said second user as having at least one contact in common with said first user and further identifying to said first user the common contact, Zimmerman teaches a sharing contact information to share information of two people (Pg. 8 Par. 1-2). It would have been obvious to one skilled in the art at the time of invention to combine Zimmerman with Hendrey as Zimmerman states it increases the usefulness of sharing information by giving additional features not provided by other independent devices.

9. Hendry/Zimmerman teaches wherein the visual symbol indicates an acquaintance between the first and second user sharing the at least one common contact However, Hendry/Zimmerman fail to teach **and includes text providing a name of the at least one common contact, and Chan teaches electronic business cards teaches the exchange of "name card information" of the users electronic business card information. (C. 1 I. 40-45 & C. 4 I. 50-55)**. It would have been obvious to one skilled in the art to combine the sharing of names as a visual display with Hendry/Zimmerman since the claimed invention is merely a combination of known

elements and in combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. Hendry fails to teach displaying the visual symbol on a first display of the first portable computing device to provide visual identification to the second user **and indicate the name of the at least one common contact.** However, Zimmerman teaches sharing contact information to share information of two people (Pg. 8 Par. 1-2). It would have been obvious to one skilled in the art at the time of invention to combine Zimmerman with Hendrey as Zimmerman states it increases the usefulness of sharing information by giving additional features not provided by other independent devices. The examiner notes that the limitation of the display including “the name of the at least one common contact” is considered non-functional descriptive material. The steps of identifying the common contacts and identifying first and second device users will be performed the same regardless of whether or not the common contact name is displayed.

11. As to claims 11-12 and 35-36 Hendrey teaches identifying the two users in later correspondence (C. 10 I. 40-43 and 51)

12. As to claims 13, 37 Hendrey/Zimmerman fails to teach teaches the visual symbol to a first display unit associated with the first computing device. Chan teaches (C. 4 I. 12-15). **Chan teaches electronic business cards teaches the exchange of “name card information” of the users electronic business card information.** (C. 1 I. 40-45 & C. 4 I. 50-55). It would have been obvious to one skilled in the art to combine the

sharing of names as a visual display with Hendry/Zimmerman since the claimed invention is merely a combination of known elements and in combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

13. Applicant's arguments with respect to claims 1-6, 10-13, 25-30, 34-37 and 49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Traci L Casler/
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3689